

REMARKS

The presented communication is responsive to the Office Action mailed June 3, 2009. A three-month Extension of Time is submitted herewith extending the period of reply from September 3, 2009 up to and including December 3, 2009.

Claims 13-16, 18, 20, 21 and 23-35 were rejected in the Action. Claims 13, 16, 20, 21, and 25 are amended, claim 23 is canceled and no claims are added herein. Therefore, claims 13-16, 18, 20, 21 and 24-35 are now pending in the application. All claim amendments are supported by Applicants' originally filed disclosure. No new matter is added herein. Applicants set forth remarks relating to the Action below.

The Examiner rejected claims 25 and 26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 25, the Examiner asserted that the "deflectable porous surface" lacks antecedent basis. Applicants have amended the dependency of claim 25 to now depend from claim 24 which introduces the claim term "deflectable porous surface." Thus, claim 25 now has proper antecedent basis for this claim term. Further, claim 26 properly depends from claim 25. Applicants respectfully assert that the current 35 U.S.C. 112, second paragraph rejection is overcome and request that the rejection be withdrawn.

Further in the Action, the Examiner rejected claims 13-16, 18, 20, 21 and 23-25 on the ground of obviousness-type double patenting as being unpatentable over the claims of several U.S. Patents listed on pages 3-5 of the present Office Action. Further, the Examiner rejected claims 13-16, 18, 20, 21 and 23-25 on the ground of obviousness-type double patenting as being unpatentable over the claims of the several U.S. Patent Applications listed on pages 5-7 of the present Office Action. With respect to the foregoing double-patent rejections the

Examiner asserted that the rejected claims are not patentably distinct from the claims in each of the patents and applications listed on pages 3-7 of the Office Action. Applicants respectfully disagree that the rejected claims are not patentably distinct from the claims in the listed patents and applications. For the purpose of expediting the allowance of the claims in the present Application, Applicants have prepared the enclosed Terminal Disclaimer to overcome U.S. Pat. Nos. 6,610,092 and 6,673,113, which the current application claims priority to. In view of the present Terminal Disclaimer, Applicants respectfully request that the Examiner withdraw the double-patenting rejections of the pending claims.

Further in the Action, the Examiner rejected claims 13, 16, 18, 20, 21, 23, 27, 30, and 33 under 35 U.S.C. 102(b) as being anticipated by DE 2263842 to Hoffman ("Hoffman"), claims 13, 16, 18, 20, 21, 23, and 27-35 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,989,291 to Ralph *et al.* ("Ralph"), or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ralph in view of either one of U.S. Pat. No. 5,895,428 to Berry ("Berry"), U.S. Pat. No. 6,156,067 to Bryan *et al.* ("Bryan"), or U.S. Pat. No. 5,893,889 to Harrington, and claims 14, 15, and 24-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ralph in view of U.S. Pat. No. 3,867,728 to Stubstad *et al.* ("Stubstad").

Applicants respectfully assert amended independent claims 13, 16, and 21 are unanticipated by Hoffman because the cited reference does not disclose or suggest a joint that couples the first and second plates together, wherein the joint includes a ball-shaped structure having a curved convex surface directed away from said first plate, the ball-shaped structure being attached with the first plate, and a resilient deformable spring or socket being monolithically formed and affixed with the second plate, the spring or socket having a concave volume

for receiving and holding therein the ball-shaped structure through direct contact with the curved convex surface of the ball-shaped structure. As shown in Figs. 7 and 8, what the Examiner refers to as a spring in the Action, namely element 28, does not directly contact either ball-shaped structure 26 or 36. In contrast, element 28 contacts and is housed within a concave recess formed in the top and bottom baseplates shown in Figs. 7 and 8 of Hoffman. The contact of element 28 with the concave recesses of the baseplates is opposite to the recitation in each of amended independent claims 13, 16, and 21 that the spring (or socket) has a concave volume for receiving and holding therein the ball-shaped structure through direct contact with the curved convex surface of the ball-shaped structure. Opposite to that of the claimed invention, a convex surface of element 28 in Hoffman contacts the concave recess of the baseplates shown. For the foregoing reasons, Hoffman cannot be used to anticipate amended independent claims 13, 16, and 21. Claims 14, 15, 18, 20, and 27-29 depending from independent claim 13, claims 30-32 depending from independent claim 16, and claims 24-26 and 33-35 depending from independent claim 21 are also unanticipated, *inter alia*, their dependence from an unanticipated base claim. A dependent claim is necessarily narrower than the claims from which it depends.

Applicants now turn to the rejection of claims 13, 16, 18, 20, 21, 23, and 27-35 under 35 U.S.C. § 102(e) as being anticipated by Ralph, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Ralph in view of either one of Berry, Bryan, or Harrington. Applicants respectfully assert that Ralph does not anticipate independent claims 13, 16 and 21 because the cited reference does not disclose or suggest a second plate having a "spring affixed thereto at one or more locations such that at said one or more locations there is no movement of said spring relative to said second plate in any

direction." Further, in order to support a *prima facie* case of obviousness the cited references must teach each and every limitation in the claims. Applicants respectfully assert that neither Berry, Bryan, nor Harrington cure the deficiencies of Ralph. What the Examiner refers to as a spring/socket in either Berry, Bryan or Harrington does not prevent movement of the spring relative to the plate as claimed in any one of independent claims 13, 16, and 21.

Further still, in seeking to improve upon Ralph, Applicants respectfully assert that one skilled in the art would not look to secure the ends of what the Examiner refers to as a spring in Ralph in the claimed manner using the fastener means as taught in Berry, Bryan, or Harrington because the plate of Ralph is structured to move with respect to what the Examiner refers to as a spring in Ralph. Resilient wall 120 of Ralph comprises a porous fabric or a semi-impermeable elastomeric material. The wall 120 is further designed to couple the flanges 108a, 108b of the corresponding plates 100a, 100b. See col.6, ll.16-20 of Ralph. The resiliency of wall 120 allows plate 100a to move with respect to washer 230 in Ralph.

For at least the foregoing reasons, Ralph cannot be used to anticipate and the combination of Ralph and either one of Berry, Bryan or Harrington cannot be used to obviate independent claims 13, 16, and 21 or any of the claims depending therefrom. Thus, Applicants respectfully submit the each of the pending claims are in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at

(908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 3, 2009

Respectfully submitted,
Electronic signature: /William
A. Di Bianca/
William A. Di Bianca
Registration No.: 58,653
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants